

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

JAN 10 2008

CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS

RUTH B. MILLER,

Plaintiff-Appellant,

v.

MICHAEL J. ASTRUE,
Commissioner of Social Security,

Defendant-Appellee.

No. 06-35614

D.C. No. CV-05-112–GF-CSO

MEMORANDUM*

Appeal from the United States District Court
for the District of Montana
Carolyn S. Ostby, Magistrate Judge, Presiding

Submitted December 7, 2007**
Seattle, Washington

BEFORE: McKEOWN and CLIFTON, Circuit Judges, and SCHWARZER,
District Judge ***

* This disposition is not appropriate for publication and is not precedent except as provided by Ninth Circuit Rule 36-3.

** The panel unanimously finds this case suitable for decision without oral argument pursuant to Fed. R. App. P. 34(a)(2).

*** The Honorable William W Schwarzer, Senior United States District Judge for the Northern District of California, sitting by designation.

Ruth B. Miller appeals the judgment of the district court denying Miller's motion for summary judgment, granting the motion for summary judgment of the Commissioner of Social Security, and affirming the Commissioner's decision denying Miller's application for disability insurance benefits under Title II of the Social Security Act, 42 U.S.C. §§ 401-434.

We review the district court's judgment de novo. *Moisa v. Barnhart*, 367 F.3d 882, 885 (9th Cir. 2004). The decision of the Commissioner must be upheld if it is "supported by substantial evidence and if the Commissioner applied the correct legal standards." *Howard ex rel. Wolff v. Barnhart*, 341 F.3d 1006, 1011 (9th Cir. 2003).

After careful review of the record and the parties' briefs, we conclude that the district court's thorough opinion properly analyzed Miller's claims, and we adopt that opinion as our disposition of this appeal.

AFFIRMED